



State of Ohio Environmental Protection Agency

Butler Co.
Health Dept
Gen. Corr.

Southwest District

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Dayton, Ohio 45402-2911

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 31, 2007

Ms. Joyce Downey
6343 Cin-Day Rd.
Middletown, Ohio 45044

**Re: Notice of Violation- Open Burning
Butler County**

Dear Ms. Downey:

On July 12, 2007, Monte Bluebaum and I representing the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office, Division of Solid and Infectious Waste Management (DSIWM) responded to a complaint of open burning of solid wastes on your property located at 6343 Cin-Day Road, Middletown, Butler County. We met with you and conducted a comprehensive inspection of the aforementioned property.

The following observations were made during the inspection:

There was evidence of open burning of municipal solid wastes in a burn pit located in the backyard on the property. Municipal solid wastes (including but not limited to the following: a plastic chair, clothing, diapers, beer cans, beer bottles, plastic bags and other miscellaneous solid waste) (see Figures 1, 2, and 3) were observed in the burn pit. There was evidence of burned clothing along with household garbage found throughout the pile.

Open burning of solid waste is prohibited and is a violation of Ohio Revised Code (ORC) Section 3734.03, which states in part:

"No person shall dispose of solid wastes...by open burning or open dumping..."

Open Dumping is defined under Ohio Revised Code (ORC) Section 3734.01(I), which states in part:

"Open dumping" means the depositing of solid wastes into a body of or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code.

Disposal of solid waste onto the ground is a violation of Ohio Revised Code (ORC) Section 3734.03, which states in part:

“No person shall dispose of solid wastes...by open burning or open dumping...”

Open Dumping is also a violation of OAC Rule 3745-27-05(C), which states:

“No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734 of the Revised Code, and shall submit verification that the solid waste has been properly managed”.



Figure 1: Open dump/burn pit with miscellaneous solid waste located in the backyard



Figure 2: Bag of clothing, beer cans & bottles, yard waste in burn pit



Figure 3: Bag of clothing, beer cans & bottles, yard waste in burn pit

The Ohio Administrative Code (OAC) and Ohio Revised Code (ORC) specifically prohibit open dumping of solid waste. This letter serves to inform you that the solid wastes on your property must be removed for proper disposal. Municipal solid waste may be disposed of at a licensed sanitary landfill. **Receipts and/or photographs documenting proper disposal will need to be submitted to Ohio EPA, Southwest District Office, attention Maria Lammers and a re-inspection scheduled to verify that the cleanup is complete to document your return to compliance with Ohio Law.**

During our inspection you indicated that the materials would be cleaned up and properly disposed of by no later than July 16, 2007. A re-inspection was scheduled for July 17, 2007 per our conversation.

On July 17, 2007, Monte Bluebaum and I conducted a re-inspection of the property to verify abatement of the violations observed during our July 12, 2007 inspection of the property located at 6343 Cin-Day Road, Butler County had been completed.

During this inspection I observed the following:

Solid wastes have been removed from the burn pit and properly disposed (See Figures 4 and 5). The violations previously described above, have been abated.



Figure 4: Burn pit cleaned up, all solid wastes removed



Figure 5: Burn pit in backyard cleaned up, all solid wastes removed

Thank you for your cooperation in resolving the complaint of open burning of solid waste at 6343 Cin-Day Road, Middletown, Butler County, Ohio.

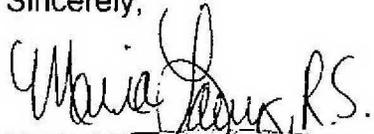
Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and

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Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (937) 285-6046.

Sincerely,



Handwritten signature of Maria Lammers, R.S.

Maria Lammers, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management

cc: Brian Richard, Butler County Health Department

